

In the
Indiana Supreme Court



IN THE MATTER OF
LOCAL RULES FOR
CASELOAD MANAGEMENT
FOR MARION COUNTY

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Case No.

49500-1009-MS-483

ORDER REGARDING LOCAL RULES FOR CASELOAD MANAGEMENT

The Executive Committee (Committee) of the Marion County Superior Court and the Judge of the Marion County Circuit Court request this Court's approval of amended local rules for non-discretionary assignment of criminal cases under Criminal Rule 2.2. Attached to this Order as *Attachment A* are the proposed amended local rules LR49-CR2.2-100 and LR49-CR2.3-101.

The Committee and the Judge of the Circuit Court also seek approval of an amended caseload allocation plan which is required by Ind. Administrative Rule 1(E). The Committee also requests an exemption from compliance with Administrative Rule 1 as it relates to the caseload of the Superior Court's traffic division, court F13. The courts have further submitted a statement explaining why the Superior Court's juvenile division, D09, is also not in full compliance. Attached to this Order as *Attachment B* are the foregoing documents and a spreadsheet showing the assignments of judicial officers and the weighted caseload utilization of each division based on those judicial assignments, the 2009 caseload statistics and the most current weighted caseload measures.

Upon examination of the proposed rule amendments, this Court finds that the proposed rule amendments dealing with criminal case assignment, LR49-CR2.2-100 and LR49-CR2.3-101, comply with the requirements of Ind. Criminal Rule 2.2, and accordingly, should be approved. The amendments to these rules shall be effective, retroactive to January 1, 2009.

Upon examination of the request for approval of the local rule on caseload allocation plan

and for an exception of the traffic division from the requirements of Admin.R. 1(E), we find the following:

1. Marion County local rule LR49-AR1(E)-302, which was first conditionally approved by this Court on January 11, 2008, requires the Executive Committee of the Marion Superior Court to meet at least annually to allocate judicial officer resources where appropriate to keep within the .40 utilization variance permitted by Ind. Administrative Rule 1(E). This Court finds that the Committee must review and adjust caseloads and/or the assignment of judicial resources more frequently than once each year to assure compliance with Admin Rule 1(E). Also, in light of the significant weighted caseload imbalance in the traffic division, we find that the traffic division would greatly benefit from the analysis and recommendations of an expert on court operations and organization, such as the National Center for State Courts. In particular, utilization of the *Access and Fairness* measure of the *CourTools* performance evaluation system established by the National Center for State Courts and endorsed by the Conference of Chief Justices and Conference of State Court Administrators would provide the Marion County courts useful data for improvement. We encourage the Committee to pursue such a study and seek court improvement grant funds for this purpose.

2. We find further that the Committee has already taken many steps and is planning others aimed at improving customer service and delivery of justice in the traffic division. The Committee reported to this Court the following efforts:

- Redesigned the traffic ticket
- Changed the wording of the informational sheet and ticket to reflect the longer time needed to enter the ticket (14 days) before it can be searched on the web
- Redesigning website to include FAQ's
- Development of website application to provide information
- New location with better management of people movement, space and technology
- Discussing having Mayor's Action Center trained to manage/answer calls with access to ticket information
- IMPD to start e-ticket soon
- Six Sigma review
- Schedule professionalism training for staff

- Discussions with clerk on other efforts for cooperation and coordination

These praiseworthy efforts should produce positive results.

3. We find that the Committee and the Judge of the Circuit Court must continue to improve the caseload allocation plan so that all divisions of the superior and circuit courts meet the caseload disparity limits set by Administrative Rule 1(E). Said rule provides that the courts of record in each county shall, by local rule, review and submit a new plan or re-submit an existing plan once every two years. Based on the statistical reports submitted pursuant to Administrative Rule 1 and a weighted caseload measures system, the caseload allocation plan must ensure that the difference in utilization between any two courts of record in a county does not exceed .40. One of the key reasons for this rule is to assure that Indiana's courts provide equal access to justice for all litigants by reducing the disparity of weighted caseloads among our courts.

4. Accordingly, we conclude that the plan proposed as part of Local Rule LR49-AR1(E)-302 does not presently comply with the requirements of Ind. Administrative Rule 1(E). We further conclude that the request for exemption should be conditionally approved, retroactive to January 1, 2010, subject to the conditions set out below.

IT IS, THEREFORE, ORDERED that the Committee and Judge of the Circuit Court shall review the Marion County local rule for case assignments and/or allocation of judicial officers on a quarterly basis and shall assign cases and/or assign judicial officers as necessary to reduce the utilization variance among the divisions and courts until the variance is brought within the range permitted by Ind. Administrative Rule 1(E).

IT IS FURTHER ORDERED that the Committee and Judge of the Circuit Court shall report the results of the quarterly reviews and the reassignments of judicial officers and/or cases to the Division of State Court Administration by not later than the last day of the month following the end of the calendar quarter.

IT IS FURTHER ORDERED that the Superior Court is exempt from compliance with Administrative Rule 1 as the rule relates to the court's traffic division, Court F13, until December 31, 2011. However, the Committee must continue to work on reducing the disparity in utilization among the several court divisions. On or before June 1, 2011, which is the due date for Marion County's next caseload allocation plan, the Executive Committee must take concrete steps that would, by January 1, 2012, reduce the difference in utilization between the traffic

division and the division with the lowest utilization to at least one half of the 7.15 difference that exists in the plan presently before us. A report on such steps and the reduced utilization must be included the next caseload allocation plan.

The Clerk of this Court is directed to post a copy of this Order on the Indiana Courts Website.

The Clerk of this Court is further directed to forward a copy of this Order to the Hon. Louis F. Rosenberg, Marion Circuit Court, 200 East Washington Street, W506, Indianapolis, IN 46204-3339; the Hon. Gerald S. Zore, Marion Superior Court, 200 East Washington Street, W541, Indianapolis, IN 46204-3307; the Hon. Robert R. Altice, Jr., Marion Superior Court, 200 East Washington Street, W241, Indianapolis, IN 46204-3322; the Hon. Cynthia J. Ayers, Marion Superior Court, 200 East Washington Street, W442, Indianapolis, IN 46204-3338; the Hon. Lisa Borges, Marion Superior Court, 200 East Washington Street, W203, Indianapolis, IN 46204; the Hon. Linda E. Brown, Marion Superior Court, 200 East Washington Street, E608, Indianapolis, IN 46204; the Hon. Sheila A. Carlisle, Marion Superior Court, 200 East Washington Street, W242, Indianapolis, IN 46204; the Hon. Thomas J. Carroll, Marion Superior Court, 200 East Washington Street, W542, Indianapolis, IN 46204-3341; the Hon. Annie Christ-Garcia, Marion Superior Court, 200 East Washington Street, E541, Indianapolis, IN 46204; the Hon. Barbara A. Collins, Marion Superior Court, 200 East Washington Street, E643, Indianapolis, IN 46204; the Hon. Tanya Walton Pratt, Marion Superior Court, 200 East Washington Street, T1721, Indianapolis, IN 46204-3325; the Hon. David J. Dreyer, Marion Superior Court, 200 East Washington Street, T1441, Indianapolis, IN 46204; the Hon. Steven Eichholtz, Marion Superior Court, 200 East Washington Street, E439, Indianapolis, IN 46204; the Hon. James B. Osborn, Marion Superior Court, 200 East Washington Street, E450, Indianapolis, IN 46204; the Hon. John F. Hanley, Marion Superior Court, 200 East Washington Street, T1421, Indianapolis, IN 46204; the Hon. Grant W. Hawkins, Marion Superior Court, 200 East Washington Street, W305, Indianapolis, IN 46204; the Hon. Reuben B. Hill, Marion Superior Court, 200 East Washington Street, W342, Indianapolis, IN 46204; the Hon. Theodore M. Sosin, Marion Superior Court, 200 East Washington Street, W443, Indianapolis, IN 46204-3338; the Hon. Michael D. Keele, Marion Superior Court, 902 Virginia Avenue, Indianapolis, IN 46203; the Hon. Patrick L. McCarty, Marion Superior Court, 200 East Washington Street, W406, Indianapolis, IN 46204-

3338; the Hon. Robyn L. Moberly, Marion Superior Court, 200 East Washington Street, W507, Indianapolis, IN 46204-3337; the Hon. Heather A. Welch, Marion Superior Court, 200 East Washington Street, T1760, Indianapolis, IN 46204-3341; the Hon. Marilyn Ann Moores, Marion Superior Court, 2451 North Keystone Avenue, Indianapolis, IN 46218-3604; the Hon. William J. Nelson, Marion Superior Court, 200 East Washington Street, E607, Indianapolis, IN 46204-3341; the Hon. Carol J. Orbison, Marion Superior Court, 200 East Washington Street, W343, Indianapolis, IN 46204; the Hon. Becky Pierson-Treacy, Marion Superior Court, 200 East Washington Street, T442, Indianapolis, IN 46204; the Hon. S.K. Reid, Marion Superior Court, 200 East Washington Street, T542, Indianapolis, IN 46204; the Hon. Clark Rogers, Marion Superior Court, 200 East Washington Street, T401, Indianapolis, IN 46204; the Hon. Jose Salinas, Marion Superior Court, 200 East Washington Street, T441, Indianapolis, IN 46204; the Hon. David A. Shaheed, Marion Superior Court, 200 East Washington Street, W407, Indianapolis, IN 46204; the Hon. Mark D. Stoner, Marion Superior Court, 200 East Washington Street, W306, Indianapolis, IN 46204; the Hon. William E. Young, Marion Superior Court, 9049 East 10th Street, Indianapolis, IN 46219; the Hon. Kimberly J. Brown, Marion Superior Court, 200 E. Washington Street, G024, Indianapolis, IN 46204; the Hon. David J. Certo, Marion Superior Court, 200 E. Washington Street, G96, Indianapolis, IN 46204; the Hon. Kurt M. Eisgruber, Marion Superior Court, 200 E. Washington Street, W202, Indianapolis, IN 46204; the Hon. Timothy W. Oakes, Marion Superior Court, 200 E. Washington Street, T1442, Indianapolis, IN 46204; the Hon. Marc T. Rothenberg, Marion Superior Court, 200 E. Washington Street, E648, Indianapolis, IN 46204; and to the Clerk of the Marion Circuit Court.

The Clerk of the Marion Circuit Court is directed to enter this Order and attachments in the Record of Judgments and Orders for the Courts, to post this Order and attachments for examination by the Bar and the general public, and if available, to publish this Order and attachments on the county clerk's website.

DONE at Indianapolis, Indiana, this 8th day of September, 2010.

RT Shepard
Randall T. Shepard
Chief Justice of Indiana

All Justices concur.

STATE OF INDIANA)	MARION CIRCUIT AND SUPERIOR
)	COURTS
COUNTY OF MARION)	
)	
In Re Local Criminal Rules)		

Order Proposing Local Criminal Rules Amendments, Finding Good Cause to Deviate from the Schedule for Amending Local Court Rules, and Requesting Comments

The Judges of the Marion County Courts, pursuant to Trial Rule 81(D), now find that good cause exists to deviate from the schedule established by the Division of State Court Administration for the publishing of local rules and propose that the following local administrative rule amendments be adopted in compliance with the provisions of Trial Rule 81. Accordingly, the Court issues the following proposed amendments to the Administrative Local Rules and asks for comment from the bar and the public. Underlining indicates proposed additions and striking through indicates deletions.

Comments to these proposed Local Rules will be received through Noon on November 21, 2008 with an effective date of November 22, 2008. Comments to these proposed Local Rules should be e-mailed to the Office of the Court Administrator, c/o Glenn Lawrence, at Glawrenc@indygov.org, or mailed to:

Glenn Lawrence
Office of the Court Administrator
Marion County Circuit and Superior Courts
200 East Washington St., Ste. T-1221
Indianapolis, IN 46204.

All of the above is so ORDERED this 21st day of October, 2008.

/s/ Gerald S. Zore*
Judge Gerald S. Zore
Presiding Judge

* Original signature on file with the Court.

LR49-CR2.2-100. RANDOM ASSIGNMENT

(a) All criminal cases filed in Marion County in the Superior Courts shall be assigned to an individual courtroom on a random basis. The random assignment rule for criminal cases does not apply to certain cases designated by the Court and Prosecutor as belonging in the:

- domestic violence courts; or
- protection order court; or
- major felony and class D felony drug court; or
- community court; or
- traffic court; or
- mental health court or
- those cases involved in LR49-CR2.3-101 Case Consolidation, ~~noted below~~

This rule strives for the equalization of caseload among all of the individual courtrooms.

(b) All hearings for Major Felony cases will be conducted in the Major Felony Court. Any new filing for a major felony case shall be randomly assigned to one of the multiple courtrooms designated as Major Felony Courts (G01, G02, G03, G04, G05, G06 and G22) with the exception of a major felony drug offense case, and a major felony handgun case which shall be randomly assigned to court G20.

(c) Initial hearings for all Class D Felony Cases that are the result of a custodial arrest where the defendant is still in custody shall be conducted in the Initial Hearing Court (F11). These cases shall be subsequently assigned on a random basis to one of the multiple courtrooms designated as Class D Felony Courts (F09, F15, F18 and F24). The random assignment rule for criminal cases does not apply to D felony cases involving allegations of domestic violence or to Class D felony cases designated as drug court cases. Cases involving an allegation of domestic violence shall be randomly assigned to either of the domestic violence courts (G16 and G17). Class D felony drug cases shall be assigned to the D felony drug court (G14).

(d) Initial hearings for cases involving Misdemeanor Cases that are a result of a custodial arrest where the defendant is still in custody shall be conducted in the Initial Hearing Court, Court 11. These cases shall be assigned on a random basis to one of the multiple courtrooms designated as Misdemeanor Courts (F07, F08, F10 and F19). Misdemeanor cases involving allegations of domestic violence shall be randomly assigned to either of the domestic violence courts (G16 and G17). Misdemeanors involving allegations of violations of traffic laws, with the exception of Operating a Vehicle While Intoxicated, shall be assigned to the Traffic Court (F13). Misdemeanors where the alleged offense occurred within the boundaries of the Community Court Project shall be assigned to the Community Court (F12). All Misdemeanor and D Felony cases in which the defendant has a mental illness and /or mental disability, as determined by law enforcement, APC staff, prosecutor, defense counsel, judge or medical staff, shall be filed in mental health court (F08).

(f) In the event that a defendant has a Misdemeanor or D Felony Domestic Violence case, and that case is amended to include a class C Felony charge, that case shall stay in the Domestic Violence Court to which it was originally assigned.

LR49-CR2.3-101. CASE CONSOLIDATION

It shall be the policy of the Marion Superior Court, that wherever possible consistent with good case management principles, cases involving the same defendant shall be consolidated into one court for resolution of all of the pending cases.

(a) Murder, A, B and C Felony Cases (hereinafter "Major Felony case")

Any subsequently filed Major Felony case shall be assigned and/or transferred to the Court where the defendant's oldest Major Felony case is pending.

Any subsequently filed D Felony or Misdemeanor Case shall be assigned and/or transferred to the Court where the defendant's oldest Major Felony case is pending.

In the event the defendant has an open D Felony or Misdemeanor case pending in any criminal court and is subsequently charged with a Major Felony case, the pending D Felony or Misdemeanor case shall be transferred to the Major Felony Court.

In the event the defendant has an open probation case pending in any criminal court and is subsequently charged with a Major Felony case, the probation case shall be transferred to the Major Felony Court, unless the probation case can be resolved without the resolution of the new Major Felony case.

"Pending" as defined herein means any existing Major Felony, D Felony or Misdemeanor case which is in pre-disposition status.

No classification of cases are exempt from consolidation under this subparagraph.

(b) D Felony Cases

Any subsequently filed Misdemeanor or Class D Felony case shall be assigned and/or transferred to the Court where the defendant's oldest existing Class D Felony case is pending.

In the event the defendant has an open Misdemeanor case in any criminal court and is subsequently charged with a D Felony case, the Misdemeanor case shall be transferred to the D Felony Court.

In the event the defendant has an open probation case pending in any D Felony or Misdemeanor Court and is subsequently charged with a D Felony

~~LR49-CR2.2-100 (f) Adopted by General Term 7/31/2007~~
Revised 7/31/2007-5

case, the probation case shall be transferred to the D Felony Court where the new case has been filed, unless the probation case can be resolved without the resolution of the new D Felony case.

"Pending" as defined herein means any existing Class D Felony or Misdemeanor case which is in pre-disposition status.

This rule shall not apply to Domestic Violence cases, cases assigned to Domestic Violence Courtrooms 16 and 17 or cases that are linked with a codefendant.

However, if one of the co-defendant's is eligible for transfer to Court 8, per sub-sections (d), then the eligible co-defendant's case may be severed and transferred to Court 8 without the non-eligible co-defendant(s) case(s).

(c) Misdemeanor Cases

Subject to the provisions of paragraphs (a) and (b) above, any subsequent Misdemeanor case filed against a defendant shall be assigned and/or transferred to the Court where the defendant's oldest existing Misdemeanor case is pending with the exception that Court 13 (Traffic Court) shall not receive assignment or transfer of cases when Court 13 has the oldest pending case.

In the event the defendant has an open probation case pending in any Misdemeanor Court and is subsequently charged with a new Misdemeanor case, the probation case shall be transferred to the new Misdemeanor Court unless the probation case can be resolved without the resolution of the new Misdemeanor case.

Pending as defined herein means any existing Misdemeanor case which is in pre-disposition status.

This rule shall not apply to Domestic Violence cases, cases assigned to Domestic Violence Courtrooms 16 and 17, or cases that are linked with codefendants.

However, if one of the co-defendant's is eligible for transfer to Court 8, per sub-sections (d) or (e), then the eligible co-defendant's case may be severed and transferred to Court 8 without the non-eligible co-defendant(s) case(s).

(d) ~~3~~PAIR/Forensic Diversion, Mental Illness

~~All PAIR and Mental Illness Forensic Diversion matters will be transferred to Criminal Court 8. These cases will remain in Criminal 8 for disposition, if PAIR/Forensic Diversion even if unsuccessful.~~

(e) ~~4~~Mental Illness/MR/DD

~~Any D Felony or Misdemeanor case, in which the defendant's serious mental illness (Axis I, i.e. schizophrenia, bipolar, major depression) is a factor, and defendants with mental retardation and /or developmental disabilities, may be to Criminal Court 8.~~

(d) All Misdemeanor and D Felony cases in which the defendant has a mental illness and /or mental disability shall be transferred to mental health court, subject to the discretion of the Judge in that court and considering the recommendation of the originating judge, prosecutor, and/or defense counsel.

³LR49-CR2.3-101 (d) Adopted by the General Term 7/31/2007

⁴LR49-CR2.3-101 (e) Adopted by the General Term 7/31/2007

Revised 7/31/2007-6

(f) Other Considerations

In the event that a case involves both felony and misdemeanor offenses, pursuant to Administrative Rule 1, the case shall be considered a Felony case for the application of this rule.

It shall be the responsibility of the Prosecutor's Office Screening Department to provide a listing of all pending cases with the case filing documents to ensure that all case transfers can be made consistent with this rule. The judge of each room of the criminal division, by appropriate order

entered of record may transfer and re-assign to any other room of the criminal division any cause pending in that room subject to acceptance by the receiving court. Further the Presiding Judge of the Criminal Division or the Executive Committee may order the transfer of cases from one court to another if the Presiding Judge or the Executive Committee finds that a transfer and reassignment of cases is necessary to provide for the speedy and fair administration of justice.

All cases received by the criminal division on change of venue from outside Marion County shall be assigned to a room within the division on a random basis by the same method used to assign cases of original jurisdiction in Marion County.

When the State of Indiana dismisses a case and chooses to re-file that case, the case shall be re-filed in the court where the case was originally docketed.

All pleadings, petitions and motions shall be filed with the Clerk designated by the court at any time during filing hours established by the Clerk and the court and shall be accompanied by a proposed order. All orders submitted to the court shall be in sufficient number and shall be accompanied by postage paid envelopes addressed to each party or counsel of record. Service of orders on the Marion County Prosecutor and the Marion County Public Defender Agency may be through mailbox service established in each courtroom.

(f) Petition for Restricted Driving Permit and other petitions filed pursuant to I.C. 9-24-15-4 (a) (1), (2), or (3)

Any petition filed pursuant to the above may, at the discretion of the Judge of the court in which the petition was filed, be transferred as soon as possible to the Marion Circuit Court.

**IN THE CIRCUIT AND SUPERIOR
COURTS OF MARION COUNTY**

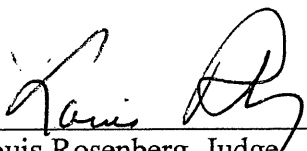
**IN THE MATTER OF THE
REVISION TO THE CASELOAD
ALLOCATION PLAN UNDER
ADMINISTRATIVE RULE 1
AND A REQUEST FOR APPROVAL
OF AN EXCEPTION THERETO**

The judges of the trial courts of Marion County, Indiana, hereby request the approval of the attached amendment to the caseload management plan that will ensure an even distribution of judicial workload among all courts of the court, with the exception of the traffic court. Please note that we have included the Circuit Court in the plan.

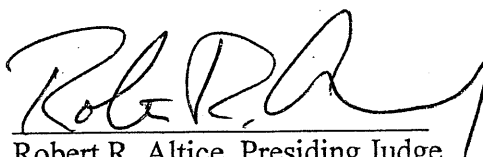
As pertains to the traffic court, we respectfully request that the court be exempted from the plan, pursuant to Administrative Rule 1 (3) for the reasons provided in the following document.

The courts through the Judge of the Circuit Court and the Executive Committee of the Superior Court will monitor the implementation of their plan and provide for assignment of Judicial Officers as needed to ensure a proper distribution of judicial workload pursuant to Administrative Rule 1.

Respectfully submitted this 9 day of October, 2009.



Louis Rosenberg, Judge
Marion County Circuit Court



Robert R. Altice, Presiding Judge
Marion Superior Court

**IN THE
INDIANA SUPREME COURT**

**IN THE MATTER OF THE
REQUEST OF THE MARION
SUPERIOR COURT FOR THE
APPROVAL OF AN EXCEPTION TO
THE CASELOAD ALLOCATION PLAN**

The judges of the trial courts of record in Marion County, Indiana, hereby respectfully request that the traffic division of the Marion Superior Court be exempt from the caseload allocation plan being submitted pursuant to Administrative Rule 1 (E).

This request is being submitted pursuant to Administrative Rule 1 (E) (3) wherein the Supreme Court may grant an exception for good cause shown. The rationale for this request is as follows:

1. The Traffic Division (F13) is presently located in an entirely separate facility from the other courts within Marion County and accounts for over 200,000 citations per year filed through a Courts Violations Bureau (CVB). The CVB is an administrative agency of the Court and Clerk and disposes of the traffic tickets without judicial involvement. These violations are admitted by the offender and the court costs and fine are paid by mail, on the internet or in person.
2. The only cases that require judicial involvement are those where the alleged offender denies the allegation. Those cases amount to only 10-15% of the citations filed. Previously those cases were heard by a Commissioner, and traffic court was supervised by an elected judge. However, beginning in 2009 a full time elected judge has been assigned to the court.
3. Through August 2009, there have been approximately 7000 new misdemeanor cases filed and the court has disposed of approximately 13,000 cases. In addition, Court 13 has disposed of approximately 9500 infractions and ordinance violations.
4. Currently the court schedules approximately 300 cases per day without difficulty, and fewer are scheduled in the future. According to Judge William Young, the presiding judge of F13, he actually tries about four cases a day and additional judicial resources are not required. Judge Young has signed below to indicate his agreement with this request.

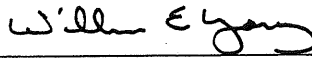
5. If Marion County were not allowed to exempt the Traffic Division from the Caseload Allocation Plan, we would be required to shift judicial officers from the courts where there is need to a court that does not need additional judicial assistance. Based upon the formula for Caseload Allocation, it is estimated that eight (8) or (9) judicial officers would be required. This would mean that each one would hear about 15 cases per day, which certainly would not be judicious use of a valuable resource.

Wherefore, the Marion Superior Court respectfully requests the Supreme Court to grant this request for an exemption in order that the Caseload Allocation Plan submitted can be approved.

Respectfully submitted this 9 day of ^{OCTOBER}~~October~~, 2009.



Robert R. Altice, Presiding Judge
Marion Superior Court



William Young, Judge
Traffic Division, Court

2007 Study w/Actual Have from Marion Cty. June 2009

Max 1.32 Updated

Weighted Case load plan based on 2008 actual Case Numbers

Min 0.92 10/15/2009

Variance 40.0%

					Range		Have Range			Recommended							
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P		
Division/ Area	Judge	Court	Need	Current Utilizat ion	Util. Using Low End	Util. Using High end	Current Have	Have Low	Have High	Chang e LOW	Chang e HIGH	PLAN NED Utiliza tion	NEI CHAN GE PLAN	JO per Plan	Judicial Officers		
Civil	Rosenberg	49C01	8.21	1.31	1.31	1.14	6.3	6.26	7.2	-0.04	0.9	1.3	0	6.3			
Civil	Shaheed	49D01	2.08	1.24	1.19	1.07	1.68	1.75	1.94	0.07	0.26	1.24	0	1.68			
Civil	Sosin	49D02	2.08	0.72	1.19	1.07	2.88	1.75	1.94	-1.13	-0.9	0.92	0.62	2.26	Caudill (0.5), Dill (0.088), Oldham (3.5), Johnson (5), Terzo (0.292)		
Civil	McCarty	49D03	2.08	1.24	1.19	1.07	1.68	1.75	1.94	0.07	0.26	1.24	0	1.68			
Civil	Ayers	49D04	2.09	1.17	1.19	1.08	1.78	1.75	1.94	-0.03	0.16	1.17	0	1.78			
Civil	Moberly	49D05	2.07	1.31	1.18	1.07	1.58	1.75	1.94	0.17	0.36	1.31	0	1.58			
Civil	Carroll	49D06	2.08	1.24	1.19	1.07	1.68	1.75	1.94	0.07	0.26	1.24	0	1.68			
Civil	Zore	49D07	2.07	1.16	1.18	1.07	1.78	1.75	1.94	-0.03	0.16	1.16	0	1.78			
Civil	Dreyer	49D10	2.08	1.24	1.19	1.07	1.68	1.75	1.94	0.07	0.26	1.24	0	1.68			
Civil	Hanley	49D11	2.08	1.24	1.19	1.07	1.68	1.75	1.94	0.07	0.26	1.24	0	1.68			
Civil	Welch	49D12	2.07	1.23	1.18	1.07	1.68	1.75	1.94	0.07	0.26	1.23	0	1.68			
Civil	Oakes	49D13	2.07	1.23	1.18	1.07	1.68	1.75	1.94	0.07	0.26	1.23	0	1.68			
Civil	Reid	49D14	2.07	1.31	1.18	1.07	1.58	1.75	1.94	0.17	0.36	1.31	0	1.58			
DFelony	Rothenberg	49F09	2.42	1.50	1.38	1.25	1.61	1.75	1.94	0.14	0.33	1.3	-0.25	1.86			
DFelony	Osborn	49F15	2.29	1.42	1.31	1.18	1.61	1.75	1.94	0.14	0.33	1.32	-0.12	1.73			
DFelony	Hill	49F18	2.42	1.42	1.38	1.25	1.71	1.75	1.94	0.04	0.23	1.32	-0.12	1.83			
DFelony	Christ-Garcia	49F24	2.42	1.50	1.38	1.25	1.61	1.75	1.94	0.14	0.33	1.3	-0.25	1.86			
Major	Eisgruber	49G01	1.4	0.92	1.17	1.04	1.52	1.2	1.35	-0.32	-0.2	0.98	0.09	1.432	Dill (0.88), Rubick (2.5)		
Major	Altice	49G02	1.37	0.85	1.14	1.01	1.62	1.2	1.35	-0.42	-0.3	0.93	0.15	1.47	Barbar (3), Dill (0.088)		
Major	Carlisle	49G03	1.33	0.88	1.33	1.33	1.52	1	1	-0.52	-0.5	0.94	0.1	1.42	Dill (0.088), Kroh (2.5)		
Major	Borges	49G04	1.32	0.87	1.32	1.32	1.52	1	1	-0.52	-0.5	0.93	0.1	1.42	Dill (0.088), Kroh (2.5)		
Major	Hawkins	49G05	1.35	0.89	1.35	1.35	1.52	1	1	-0.52	-0.5	0.95	0.1	1.42	Dill (0.088), Klineman (2.5)		
Major	Stoner	49G06	1.31	0.86	1.31	1.31	1.52	1	1	-0.52	-0.5	0.92	0.1	1.42	Dill (0.088), Marchal (2.5)		
Major	Orbison	49G22	1.27	0.84	1.27	1.27	1.52	1	1	-0.52	-0.5	0.93	0.15	1.37	Barbar (2), Dill (0.088), Flannelly (0.5)		
MISC Probate	Pratt	49D08	2.98	0.99	1.24	1.15	3	2.4	2.59	-0.6	-0.4	0.99	0	3			
Juvenile	Moore	49D09	11.5	1.28	1.29	1.16	10	8.91	9.9	-1.09	-0.1	1.15	0	10			
Dom. Viol.	K. Brown	49G16	2.1	1.10	1.20	1.08	1.91	1.75	1.94	-0.16	0.03	1.1	0	1.91			
Dom. Viol.	Rogers	49G17	2.17	1.14	1.24	1.12	1.91	1.75	1.94	-0.16	0.03	1.14	0	1.91			
Pro. Orders	Certo	49G21	1.98	0.99	1.37	1.20	2.01	1.45	1.65	-0.56	-0.4	0.99	0	2.01			
Drug - Drugs	Salinas	49G14	2.95	1.13	1.23	1.14	2.61	2.4	2.59	-0.21	-0	1.13	0	2.61			

2007 Study w/Actual Have from Marion Cty. June 2009

Max 1.32 Updated

Weighted Case load plan based on 2008 actual Case Numbers

Min 0.92 10/15/2009

					Range		Have Range			Recommended		Variance	40.0%			
A	B	C	D	E	F	G	H	I	J	K	L	M	N	O	P	
Division/ Area	Judge	Court	Need	Current Utilizat ion	Util. Using Low End	Util. Using High end	Current Have	Have Low	Have High	Chang e LOW	Chang e HIGH	PLAN NED Utiliza tion	NEI CHAN GE PLAN	JO per Plan	Judicial Officers	
Drugs and Guns	Eichholtz	49G20	3.23	1.07	1.35	1.12	3.02	2.4	2.89	-0.62	-0.1	1.07	0	3.02		
Misdeme anor	Nelson	49F07	1.86	1.09	1.28	1.13	1.71	1.45	1.65	-0.26	-0.1	1.09	0	1.71		
Mental Health - transfers	Collins	49F08	0.92	0.57	0.92	0.92	1.61	1	1	-0.61	-0.6	0.92	0.61	1	Boone (0.4), Boyce (1), Dill (0.088), Flannelly (0.364), Foulks (0.4), Kern (0.4), Klineman (0.4)	
Misdeme anor	L. Brown	49F10	1.75	1.02	1.21	1.06	1.71	1.45	1.65	-0.26	-0.1	1.02	0	1.71		
Comm. Court	Keele	49F12	2.73	1.29	1.30	1.16	2.11	2.1	2.35	-0.01	0.24	1.29	0	2.11		
Misdeme anor	Pierson- Treacy	49F19	1.74	1.02	1.20	1.05	1.71	1.45	1.65	-0.26	-0.1	1.02	0	1.71		
			88				78.25	70.2	77.7					76.97		
Traffic Court	Young	49F13	11.4	8.07	1.35	1.16	1.41	8.41	9.8					1.41	EXEMPTION APPLIED FOR	
Total Jud. Officers			99.3				79.66	78.6	87.5					78.38		

To: James Walker
Angie James
State Court Administration

From: Glenn Lawrence
Court Administrator
Marion Superior Court

Re: Weighted Caseload

Date: April 27, 2010

The following are items we discussed in our meeting last week involving the weighted caseload allocation of judicial officers at Marion Superior Court Juvenile Division (D09). According to current numbers, and the plan as submitted by the Court, it appears that we would need to assign another judicial officer to the Juvenile Division. However, based upon the following facts, circumstances and scenarios we are of the opinion that it would be financially and physically problematic to do so at this time and the weighted caseload percentages could change to meet the authorized variance.

- Judge Moores is deploying to Afghanistan with the Indiana National Guard in August and the Court will recommend that Magistrate Chavers be appointed Pro Temp and then the Court will be hiring a person to replace him. While this will keep us only at the current level, we could utilize this event to do a review of caseload assignments.
- The Court believes that the current compliment of judicial officers (an additional Magistrate was hired last year) is performing the required functions, plus added oversight of programs such as JDAI (Juvenile Detention Alternative Initiatives) and Family Drug Court.
- We do not have the space for an additional courtroom and offices. We are just completing a project to add another courtroom, which required removing the school program with IPS. Even considering using courtrooms in CCB is not an option since we continually have to find rooms to use for exiting adult court functions as most courts run at least two calendars.
- The cost of adding a Magistrate includes considerably more than just her/his salary which is approximately \$48,000. We would have to hire additional court staff (bailiff(s), court reporter(s) and support staff) as would other agencies including the sheriff, prosecutor, and public defender.
- Adding night sessions as was suggested is not feasible since hearings currently run into the evening already. Also weekend sessions are not an option since the judicial officers already work at least 40 hours per week, and we would have to pay court staff overtime. Other agencies would have similar concerns. And since Juvenile Magistrates are a creature of statute, we could not assign Commissioners from downtown, even if they had free time.
- We are continuing to look at alternatives for case assignment, both short and long term (especially with Judge Pratt being appointed to the federal bench) which could alleviate the discrepancy in caseload assignment percentages, such as reassigning some misdemeanors to mental health court (F08); reviewing the number of cases which should be directly filed in F08 but are filed elsewhere and then transferred which are therefore "credited" to the court that doesn't hear the case; random assignment of traffic tickets; and consolidating environmental cases into a "traditional" civil court.
- Additionally, the Marion Superior Court has a number of specialty courts including drug treatment and reentry, mental health, community, environmental, drugs and guns, and mass tort which skew the numbers to some extent.

**Marion County Allocation Plan
Judicial Assignments as of 10/15/2009**

Court Type	Court ID	Presiding Judge	Need	# of Judicial Officers Assigned	Utilization
Civil	49C01	Louis Rosenberg	8.21	6.3	1.30
	49D01	David Shaheed	2.08	1.68	1.24
	49D02	Theodore Sosin	2.08	2.26	0.92
	49D03	Patrick McCarty	2.08	1.68	1.24
	49D04	Cynthia Ayers	2.09	1.78	1.17
	49D05	Robyn Moberly	2.07	1.58	1.31
	49D06	Thomas Carroll	2.08	1.68	1.24
	49D07	Gerald Zore	2.07	1.78	1.16
	49D10	David Dreyer	2.08	1.68	1.24
	49D11	John Hanley	2.08	1.68	1.24
	49D12	Heather Welch	2.07	1.68	1.23
	49D13	Timothy Oakes	2.07	1.68	1.23
	49D14	Scherry "SK" Reid	2.07	1.59	1.30
DFelony	49F09	Marc Rothenberg	2.42	1.86	1.30
	49F15	James Osborn	2.29	1.73	1.32
	49F18	Reuben Hill	2.42	1.83	1.32
	49F24	Annie Christ-Garcia	2.42	1.86	1.30
Major	49G01	Kurt Eisgruber	1.4	1.432	0.98
	49G02	Robert Altice	1.37	1.47	0.93
	49G03	Sheila Carlisle	1.33	1.42	0.94
	49G04	Lisa Borges	1.32	1.42	0.93
	49G05	Grant Hawkins	1.35	1.42	0.95
	49G06	Mark Stoner	1.31	1.42	0.92
	49G22	Carol Orbison	1.27	1.37	0.93
Probate	49D08	Tanya Walton Pratt	2.98	3	0.99
Dom. Viol.	49G16	Kimberly Brown	2.1	1.91	1.10
Dom. Viol.	49G17	Clark Rogers	2.17	1.91	1.14
Protective Orders	49G21	David Certo	1.98	2.01	0.99
Drug - Drugs	49G14	Jose Salinas	2.95	2.61	1.13
Drugs and Guns	49G20	Steven Eichholtz	3.23	3.02	1.07
Misdemeanor	49F07	William Nelson	1.86	1.71	1.09
Misdemeanor	49F10	Linda Brown	1.75	1.71	1.02
Misdemeanor	49F19	Becky Pierson-Treacy	1.74	1.71	1.02
Mental Health	49F08	Barbara Collins	0.92	1	0.92
Community Court	49F12	Michael Keele	2.73	2.11	1.29
Traffic Division	49F13	William Young	11.38	1.41	8.07
Juvenile	49D09	Marilyn Moores	14.59	10	1.46

78.39